



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
950 JEFFERSON AVENUE
FORT EUSTIS, VIRGINIA 23604-5700

REPLY TO
ATTENTION OF

ATBO-C

29 AUG 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delegation of Authority to Approve Professional Liability Insurance (PLI) Reimbursement Requests

1. References:

- a. Memorandum, HQDA, ASA (Civ Pers Pol), 29 Sep 00, SAB (Encl 1).
- b. DoD Guidance on Professional Liability Insurance (Encl 2).

2. Authority to approve PLI reimbursement is delegated to:

- a. TRADOC Deputy Commanding General/Chief of Staff.
- b. Major subordinate organization commanders.
- c. Centers of Excellence commanders.
- d. TRADOC school commandants.
- e. Commanders/directors of special activities who report directly to HQ TRADOC.
- f. TRADOC Deputy Chiefs of General and Chiefs of Special Staff Offices.

3. This authority may be further delegated to the lowest practical level.

4. Employees eligible to receive PLI reimbursement include supervisors, managers, law enforcement officers under a special retirement position, and team leaders who meet the definition of 5 USC 7103 (a).

5. Per references 1a and 1b, Civilian Personnel Advisory Center staffs are responsible for providing assistance regarding employee eligibility. Delegated authorities must ensure employee meets eligibility criteria for reimbursement. The PLI process is provided at Encl 3.

ATBO-C

SUBJECT: Delegation of Authority to Approve Professional Liability Insurance (PLI)
Reimbursement Requests

6. Local labor relations obligations must be met prior to implementation.

3 Encls



ROBERT W. CONE
General, U.S. Army
Commanding

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U.S. Army Aeronautical Services Agency

Deputy Chiefs of General and Chiefs of Special Staff Offices,
HQ TRADOC

CF:

CPACs (w/encls)

September 29, 2000

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delegation of Authority to Approve Professional Liability Insurance (PLI) Reimbursement Requests

Section 636 of the Treasury, Postal Service, and General Appropriations Act for Fiscal Year 1997, Public Law 104-208, as amended, requires agencies to reimburse qualified employees for a portion of the cost incurred for PLI. The provisions of this authority became effective October 1, 1999. On June 8, 2000, the Department of Defense (DoD) issued final PLI guidance to be utilized by all DoD Components. As indicated in this guidance, the Secretary of the Army has the authority to reimburse qualified employees for up to one-half the cost of a covered premium. It also provides for heads of DoD Components to redelegate this authority to the lowest practical level with processing procedures amenable to its operating environment. The authority is hereby delegated to you for re delegation to the lowest practical level.

The guidance indicates that responsibility for determining eligibility rests with the Component Headquarters, or may be delegated to its HRO/CPO, or delegated to its HRO/CPO designee. In my view, this eligibility determination is a management decision and should be assigned to the appropriate management officials within each Command. Management officials currently authorized as the approving official on block 9 of the SF-1164, "Claim for Reimbursement for Expenditures of Official Business" should ensure PLI reimbursement eligibility requirements are met and approve PLI reimbursement costs as defined within the DoD PLI guidance.

The DoD Guidance is quite clear and easy to interpret and can be found at http://www.cpms.osd.mil/fas/benefits/pdf/pli_all.pdf. The guidance defines coverage eligibility, the maximum reimbursement allowance, employee responsibility for reimbursement, and the paying office responsibilities. Approving officials should forward the completed SF-1164 with supporting documentation to the paying office. Within the Army, this program will be administered on a fiscal year basis. Questions or assistance regarding employee eligibility can be directed to the employee's servicing Civilian Personnel Advisory Center.

For further information please contact Ms. Chris Cejka at commercial (703) 325-9977, DSN 221-9977, or email Chris.Cejka@asamra.hoffman.army.mil.

//original signed//
David L. Snyder
Deputy Assistant Secretary
(Civilian Personnel Policy)

Enclosure

DISTRIBUTION:
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ENCL 1

**U. S. ARMY RESERVE PERSONNEL COMMAND
U. S. MILITARY ENTRANCE PROCESSING COMMAND
U. S. ARMY RECRUITING COMMAND
U. S. ARMY SPACE AND MISSILE DEFENSE COMMAND
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SUPERINTENDENT, U. S. MILITARY ACADEMY

CF:

DIRECTOR

CIVILIAN PERSONNEL OPERATION CENTER MANAGEMENT AGENCY

U. S. ARMY CIVILIAN PERSONNEL EVALUATION AGENCY

KOREA REGION CPOC

USAREUR REGION CPOC

PACIFIC REGION CPOC

June 6, 2000

MEMORANDUM FOR: SEE DISTRIBUTION
SUBJECT: Professional Liability Insurance

Section 636 of the Treasury, Postal Service, and General Appropriations Act for Fiscal Year 1997, Pub. L. 104-208, as amended, requires agencies to reimburse qualified employees for up to one-half the cost incurred for professional liability insurance. Authority to make such payments resides with heads of DoD Components and may be delegated to the lowest practical level.

The Office of Personnel Management (OPM) does not plan to issue regulatory guidance on this issue. Therefore, in coordination with the Defense Finance and Accounting Service and the DoD Office of the General Counsel, we have prepared the attached DoD guidance to assist in implementing this new authority. The provisions of this new authority became effective October 1, 1999.

In February 1998, OPM surveyed Federal agencies on the implementation of Pub. L. 104-208 (which, in its original form, allowed Federal agencies to contribute to the costs of professional liability insurance). Based on this past practice, DoD Components may wish to maintain documentation on reimbursements for professional liability insurance should OPM survey Federal agencies in the future.

Servicing personnel office staffs should contact David Pearson at (703) 696-6301, ext. 252 for operational related issues.

//original signed//
Diane M. Disney
Deputy Assistant Secretary of Defense
(Civilian Personnel Policy)

Attachment: As stated

DoD PLI Guidance

Statutory and United States Code Provisions



General Information

CPOL Home > Library Index > General Information > Matrix: Delegation of Authority

Matrix: Delegation of Authority

Category	Description of Delegation	Approval Level	Reference	Available At: (Link)
Personnel management in agencies, AR690-200, Chapter 250	Authority for the conduct of civilian personnel matters and "appointing authority"	Major Army commands (MACOMs) and Administrative Assistant to the Secretary of the Army (AASA) with authority to redelegate through command channels to commanders of independent field activities	AR 690-200, Chapter 250	http://www.usapa.army.mil/cpol/ar690-200/c5ar690-200chap250/subchapter1
Civilian service recognition	Authority to approve the Sec Def Medal for Global War on Terrorism (GWOT)	Commander (lieutenant colonel and above) or civilian equivalent	Army Memo, 30 Jul 08, subject: Delegation of Authority - Sec Def Medal for GWOT	http://cpol.army.mil/library/mer/secdef-gwot.html
Civilian honorary recognition	Authority to approve the Meritorious Civilian Service Award	ACOM, ASCC, DRU Commanders/ AASA	AR 672-20, (01/29/1999), Incentive Awards, para 8-3 and Table 8-1	http://www.usapa.army.mil/pdffiles/r672_20.pdf
Civilian honorary recognition	Authority to approve the Superior Civilian Service Award	Commander (major general and above) or civilian equivalent	AR 672-20, (01/29/1999), Incentive Awards, Change 1, para 8-4	http://www.usapa.army.mil/pdffiles/r672_20.pdf
Civilian honorary recognition	Authority to approve the Commander's Award for Civilian Service	Commander (colonel and above) or civilian equivalent	AR 672-20, Incentive Awards, paragraph 8-5 and Table 8-1	http://www.usapa.army.mil/pdffiles/r672_20.pdf
Civilian honorary recognition	Authority to approve the Armed Forces Civilian Service Medal	ACOM, ASCC, DRU Commanders/ AASA and Principal HQDA Staff Agency Heads; this authority may be redelegated	AR 672-20, (01/29/1999), Incentive Awards, Change 1, para 8-14	http://www.usapa.army.mil/pdffiles/r672_20.pdf
Public service awards	Authority to approve the Outstanding Civilian Service	Secretary of the Army or ACOM, ASCC, DRU Commanders/ AASA. May be redelegated to any	AR 672-20, (01/29/1999), Incentive Awards, Change 1,	http://www.usapa.army.mil/pdffiles/r672_20.pdf

	Award	commander in the rank of Major General or above	para 9-3	
Public service awards	Authority to approve the Commander's Award for Public Service	Any commander, (colonel and above); Commanders exercising courts-martial authority; Principal officials of HQDA staff agencies; and Officials of general officer or SES rank.	AR 672-20, (01/29/1999), Incentive Awards, Change 1, para 9-4	http://www.usapa.army.mil/pdffiles/r672_20.pdf
Public service awards	Authority to approve the Civilian Award for Humanitarian Service	ACOM, ASCC, DRU commanders/ AASA	AR 672-20, (01/29/1999), Incentive Awards, Change 1, para 9-6	http://www.usapa.army.mil/pdffiles/r672_20.pdf
Monetary form of recognition	Authority to approve cash awards up to \$10,000	ACOM, ASCC, DRU commanders/ AASA for cash awards up to \$10,000. They may delegate to subordinate commands or activities authority to approve any amount up to \$10,000	AR 672-20, (01/29/1999), Incentive Awards, Change 1, para 2-5	http://www.usapa.army.mil/pdffiles/r672_20.pdf
Monetary form of recognition	Performance awards exceeding 10% of Basic Pay	AOM, ASCC, DRU commanders/ AASA	AR 672-20, Incentive Awards, paragraph 5-4	http://www.usapa.army.mil/pdffiles/r672_20.pdf
Foreign allowances	Authority to extend the 10-day limit for Foreign Transfer Allowance	MACOM commanders/AASA without further delegation	DASA(CPP) memo, subject: Delegation of Authority to Approve Certain Foreign Allowances (03/20/2000)	http://cpol.army.mil/library/benefits/del_forallow.html
Foreign allowances	Authority to approve simultaneous payment of temporary quarters subsistence allowance (TQSA) and living quarters allowance (LQA)	MACOM commanders/ AASA with further delegation authorized to local commander but no lower	DASA(CPP) memo, subject: Delegation of Authority to Approve Certain Foreign Allowances (03/20/2000)	http://cpol.army.mil/library/benefits/del_forallow.html
Foreign allowances	Authority to approve waivers for LQA when unusual circumstances or circumstances or other circumstances described in memo exist	MACOM commanders/ AASA. This authority cannot be further delegated.	DASA(CPP) memo, subject: Delegation of Authority to Approve Certain Foreign Allowances (03/20/2000)	http://cpol.army.mil/library/benefits/del_forallow.html
Foreign Allowances	Authority to approve Separate Maintenance	MACOM commanders/ AASA. This authority cannot	DASA(CPP) Memo, SUBJECT: Delegation of Authority to Approve Certain Foreign	http://cpol.army.mil/library/benefits/del_forallow.html

	Allowances	be further delegated.	Allowances (03/20/2000)	
Delegated examining authority	Authority to approve requests for additions to the delegated examining authority of examining offices	CHRA	DASA(CPP) memo, subject: Delegated Examining Authority (07/17/2001)	http://cpol.army.mil/library/staff/stf_del-x-auth.html
Repayment of student loans	Authority to approve repayment of student loans	MACOM commanders/ AASA for redelegation to lowest practical level	DASA(CPP) memo, subject: Department of Defense (DoD) Student Loan Repayment Program (03/22/2005)	http://cpol.army.mil/library/benefits/032205-sloan.htm
Professional liability insurance (PLI) reimbursement requests	Authority to approve professional liability insurance (PLI) reimbursement requests	MACOM commanders/ AASA for redelegation to the lowest practical level.	DASA(CPP) memo, subject: Delegation of Authority to Approve Professional Liability Insurance (PLI) Reimbursement Requests (09/29/2000)	http://cpol.army.mil/library/benefits/del_auth_pli.html
Payment of expenses to obtain professional credentials	Authority to pay for employees to obtain and renew professional credentials	MACOM Commanders/ AASA with authority to redelegate to lowest practical level	ASA(M&RA) memo, subject: Payment of Expenses to Obtain Professional Credentials for Army Civilian Employees (06/20/2003)	http://cpol.army.mil/library/train/tld-062003.html
Short-term training	Authority to approve short-term (120 calendar days or less) non-Government training	Installation and activity commanders, who may delegate the authority to line managers	TAPC-CPP-T memo, subject: Policy Changes on Non-Government Training (07/26/1993)	http://cpol.army.mil/library/train/930726.html
Restoration of annual leave	Authority to make determination of exigency which prevented the employee from using leave to avoid forfeiture	MACOM commanders/ AASA with authority to redelegate to installation commander; further delegation authorized	DASA(CPP) memo, subject: Restoration of Annual Leave (12/07/2001)	http://cpol.army.mil/library/benefits/ben_120701.html
Position classification authority	Authority to classify civilian positions.	MACOM commanders/ AASA with provisions for delegation through subordinate supervisory chain	DASA(CPP) memo, subject: Delegation of Position Classification Authority (11/17/1997)	http://cpol.army.mil/library/class/del_cl_auth.html
Hours of work	Authority to establish and change tours of duty of civilian employees, establish flexible and compressed work schedules and make adverse agency impact determinations with respect to the establishment or	Commanders or directors of activities employing civilian personnel	DASA(CPP) memo, subject: Delegation of Authorities, 5 U.S. Code Chapter 61, Hours of Work (12/04/2001)	http://cpol.army.mil/library/benefits/ben_120401-2.ht

	termination of flexible and compressed work schedules			
DA career intern program mobility agreements	Authority to waive fulfillment of intern mobility agreements for ACTEDS centrally funded interns	MACOM commanders and AASA (NOTE: AR 690-950 is being revised for clarity)	AR 690-950, Career Management (01/31/2002), para 3-24b	http://docs.usapa.belvoir.af.mil/jw2/xmldemo/r690_950/hr
Reduction in force (RIF)	Authority to approve action involving involuntary separation by RIF or transfer of function (TOF) outside the commuting area, or fewer than 50 direct hire, permanent, U.S. citizen employees. (Excluding SES)	MACOM commanders/ AASA with authority to redelegate no lower than commanders and heads of subordinate activities.	DAPE-CPE message 171955Z, Feb 94, subject: Delegation of Authority - Reduction in Force (RIF) and Voluntary Separation Incentive Pay (VSIP) (02/17/1994)	http://cpol.army.mil/library/staff/stf_rif_vsip.html
Reduction in force (RIF)	Authority to approve action involving involuntary separation by RIF or transfer of function (TOF) outside the commuting area, of 50 or more direct hire, permanent, U.S. citizen employees. (Excluding SES)	Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA(M&RA))	DAPE-CPE message 171955Z, Feb 94, subject: Delegation of Authority - Reduction in Force (RIF) and Voluntary Separation Incentive Pay (VSIP) (02/17/1994)	http://cpol.army.mil/library/staff/stf_rif_vsip.html
Divestiture of civilian personnel authorities	Authority to approve Regularly Scheduled Standby Duty Pay.	MACOM commanders/ AASA and can be further delegated to lowest practical level	ASA(M&RA) memo, subject: Divestiture of Civilian Personnel Authorities (11/18/1996)	http://cpol.army.mil/library/staff/stf_div_cpa.html
Divestiture of civilian personnel authorities	Authority to approve Premium Pay on an Annual Basis for Admin Uncontrollable Work	MACOM commanders/ AASA and can be further delegated to lowest practical level	ASA(M&RA) memo, subject: Divestiture of Civilian Personnel Authorities (11/18/1996)	http://cpol.army.mil/library/staff/stf_div_cpa.html
Divestiture of civilian personnel authorities	Authority to approve Training Agreements	MACOM commanders/ AASA and can be further delegated to lowest practical level	ASA(M&RA) memo, subject: Divestiture of Civilian Personnel Authorities (11/18/1996)	http://cpol.army.mil/library/staff/stf_div_cpa.html
Divestiture of civilian personnel authorities	Authority to approve advanced-in hiring rates	MACOM commanders/ AASA and can be further delegated to lowest practical level	ASA(M&RA) memo, subject: Divestiture of Civilian Personnel Authorities (11/18/1996)	http://cpol.army.mil/library/staff/stf_div_cpa.html
Divestiture of civilian personnel authorities	Authority to decide on conversions of positions brought into the competitive service	MACOM commanders/ AASA; cannot be further delegated	ASA(M&RA) memo, subject: Divestiture of Civilian Personnel Authorities (11/18/1996)	http://cpol.army.mil/library/staff/stf_div_cpa.html

Divestiture of civilian personnel authorities	Authority to file reports of Intergovernmental Personnel Act Agreements	MACOM commanders/ AASA and can be further delegated to lowest practical level	ASA(M&RA) memo, subject: Divestiture of Civilian Personnel Authorities (11/18/1996)	http://cpol.army.mil/library/staff/stf_div_cpa.html
Time-in-grade restrictions	Authority to approve promotions as exceptions to the time-in-grade restrictions to avoid hardship to the agency or the employee in individual meritorious cases. Provisions apply to both the competitive and excepted services.	Officials with personnel appointing authority	DAPE-CPE message 162215Z, Sep 91, subject: Revision of Office of Personnel Management (OPM) Regulations Governing Time-in-Grade (TIG) Restrictions (09/16/1991)	http://cpol.army.mil/library/staff/stf_opm_tig.html
Time limits for certain temporary appointments	Authority to approve exceptions to the two-year maximum service limit for individual appointments and to the restrictions on successive temporary appointments to the same or successor positions	Commanders at bases scheduled to close within two years	DAPE-CPC message 071800Z, Feb 95, SUBJECT: Exceptions to Time Limits for Certain Temporary Appointments (02/07/1995)	http://cpol.army.mil/library/staff/tempappt95.html
Appointment of certain civilian health care professionals	Authority to use Secretary of Veterans Affairs' authority for appointment of civilian health care professional occupations listed in Title 38	MACOM commanders/ AASA who may further delegate	ASA(M&RA) memo, subject: Delegation of Authority Under Section 8102, Department of Defense Appropriations Act for Fiscal Year 2005 (Public Law 108-287 (11/17/2004)	http://cpol.army.mil/library/staff/111704-delauth.html
Hours of work and payment of premium pay	Authority to use the Secretary of the Department of Veterans Affairs authority for title 38 premium pay-related authorities and hours of work authorities	Designated MACOM commanders who may further redelegate to lowest practicable level	ASA(M&RA) memos, subject: Recruitment and Retention of Civilian Medical Personnel (05/21/04 and 12/10/04)	http://cpol.army.mil/library/staff/121004-civmedpers.1 and http://cpol.army.mil/library/staff/052104-civmedpers.1
Waive 30 days of 3-year minimum service requirement under Veterans Employment Opportunities Act (VEOA)	Authority to waive 30 days of the 3-year minimum service requirement under the amendments to the VEOA of 1998	MACOM commanders/ AASA and Civilian Human Resources Agency (CHRA)	DASA(CPP) memo, subject: Delegation of Authority to Waive 30 Days of the 3-year Minimum Service Requirement under the Amendments to the Veterans Employment Opportunities Act (VEOA) of 1998 (11/14/2004)	http://cpol.army.mil/library/staff/111400-delauth.html

Premium pay limitations	Authority to waive application of the biweekly limitation on premium pay for employees performing critical work	Officials with personnel appointing authority	AG-1(CPP) memo, subject: Premium Pay Limitations (04/04/2003)	http://cpol.army.mil/library/benefits/ben_040403.html
Grade and pay retention	Authority to extend grade and pay retention	MACOM commanders/ AASA with authority to redelegate to appointing officials	HQDA message, DAPE-CPE, 171340Z August 1990, subject: Delegation of Grade and Pay Retention Approval Authority (08/17/1990)	http://cpol.army.mil/library/benefits/del_auth_pay.htm
Direct hire	Authority to exercise the direct hire authorities provided by OPM regulations published in the June 13, 2003 Federal Register	MACOM commanders/ AASA who may further delegate to the lowest practical level	ASA(M&RA) memo, subject: Delegation of New Human Resource Flexibilities - Direct Hire Authority (12/08/2003)	http://cpol.army.mil/library/staff/120803-del.html
Voluntary early retirement authority (VERA) and Voluntary separation incentive pay (VSIP)	Authority to approve VERA/VSIP for employees up to the GS-15 level or equivalent	MACOM commanders/ AASA who may further delegate to the lowest practical level, but not lower than the local commander or activity head	ASA(M&RA) memo, subject: National Security Personnel System - Voluntary Separation Incentive Pay (VSIP) and (VERA) (01/29/2004)	http://cpol.army.mil/library/staff/012904nsps-vsipvera
Dual compensation reduction waivers	Authority to extend 9-11 dual compensation reduction waivers during the national emergency	MACOM commanders/ AASA who may further delegate to the lowest practical level, but not lower than the local commander or activity head	AG-1(CPP) memo, subject: Delegation of Dual Compensation Reduction Waivers (06/30/2004)	http://cpol.army.mil/library/staff/060304-deldualcomp
Retired military 180-day wait waivers (NOTE: review requirement is suspended during current national emergency)	Authority to approve appointments of retired members of the armed forces within 180-days after retirement (NOTE: review requirement is suspended during current national emergency)	MACOM commanders/ AASA; approval authority may not be redelegated (NOTE: review requirement is suspended during current national emergency)	DASA(CPP) memo, subject: Delegation of Authority to Approve Appointments of Retired Members of the Armed Forces Within 180 Days After Retirement (09/14/2000) (NOTE: review requirement is suspended during current national emergency)	http://cpol.army.mil/library/staff/del_auth180.html (NOTE: review requirement suspended during current national emergency)
Academic degree training	Authority to approve civilian academic degree training	ASA(M&RA)	G-1 memo, subject: Recission of Delegation of Authority for Civilian Personnel Policy/Management (10/30/2003)	http://cpol.army.mil/library/train/103003-recind.html

Employment of annuitants	Authority to hire and compensate annuitants at grades GS-15 and below or equivalent	Managers and supervisors	ASA(M&RA) memo, subject: Employment of Annuitants (04/13/2004)	http://cpol.army.mil/library/staff/041304-annuitants.h
Suitability determinations and adjudication	Authority for suitability determinations and adjudication	CHRA	AG-1 for CP memo, subject: Delegation of Authority for Suitability Adjudication 06/02/2005	http://cpol.army.mil/library/staff/060205suitability.htm

**DoD Guidance
on
Professional Liability Insurance**

Background. Section 636 of the Treasury, Postal Service, and General Government Appropriations Act for Fiscal Year 1997, Pub. L. 104-208, 110 Stat. 3009-314, 3009-363, as amended by section 642 of the Treasury, and General Government Appropriations Act for Fiscal Year 2000, 113 Stat. 477 (5 U.S.C. note prec.5941) requires agencies to reimburse qualified employees for not to exceed one-half of the costs incurred for professional liability insurance.

"Professional liability insurance" is defined as liability insurance that covers:

"(A) Legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) The cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding."

Coverage. Employees eligible to receive reimbursement for professional liability insurance are law enforcement officers as defined in section 636(b) of the 1997 Act and supervisors and management officials as defined by 5 USC §7103(a). (See Statutory and United States Code provisions attached.)

DoD policy. In accordance with the provisions of section 636 of the 1997 Act, as amended, DoD will reimburse covered employees up to one-half the cost of a covered premium, not to exceed \$150 per year. The reimbursement may be based on either fiscal or calendar year basis, whichever is more efficient to administer. Non-appropriated fund (NAF) employees and military personnel are not covered by the law.

Consistent with Pub. L. 106-58, DoD Components will fund this program from appropriations/accounts available for civilian personnel costs, in accordance with OMB Circular No. A-11, **Preparation and Submission of Budget Estimates**, which places the cost of this insurance under object class 12.1 ("Civilian Personnel Benefits").

Employee responsibility for reimbursement. Employees must submit a completed SF-1164, Claim for Reimbursement for Expenditures on Official Business (Attachment 2), an invoice from the insurance carrier (to verify the cost of the premium), the policy number, the name of the insurance company, and proof of payment to the servicing HRO/CPO or HRO/CPO designee. The employee shall maintain a copy of the completed SF-1164 and supporting documentation so that he/she does not inadvertently submit a request for reimbursement that may exceed the maximum allowance of \$150 per year. After eligibility has been confirmed, the HRO/CPO or HRO/CPO designee shall forward the completed SF-1164 and supporting documentation to the paying office. When the package is received by the paying office, if it is not clear from the invoice that the claim qualifies for PLI coverage, the employee must provide evidence to the paying office that the purpose of the claim is to request reimbursement for a PLI policy. Electronic funds transfer (EFT) for PLI reimbursement is required. Employees must provide the EFT data before payment will be made.

DoD Component HRO/CPO responsibility. Each DoD Component shall establish processing procedures amenable to its operating environment. Responsibility for determining eligibility may be retained by the Component Headquarters, delegated to its HRO/CPO, or delegated to its HRO/CPO designee. As indicated above, after eligibility has been determined, the applicable Component Headquarters, HRO/CPO or designee shall forward the completed SF-1164 and supporting documentation to the paying office.

Eligibility determination. To be eligible for reimbursement because of law enforcement officer status, an employee must occupy a position that has been determined to qualify, and must have

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been approved for special retirement coverage under either 5 U.S.C. §8331(20) or §8401(17) as a law enforcement officer/special retirement position. If the position has not been designated as a law enforcement officer in a special retirement-covered position, or the individual has not applied for and received special retirement coverage as a law enforcement officer, the request for reimbursement must be denied and the employee will be provided written notification of the reason(s) for denial.

An eligibility determination that a position qualifies as a supervisory or managerial position for purposes of reimbursement is based on the definitions 5 USC, §7103(a). This determination is separate and distinct from a position classification determination of a position exercising supervisory or managerial duties and responsibilities in accordance with 5 USC, Chapter 51. It is possible that positions that are not titled "supervisory", e.g., do not meet the 25% requirement, may meet the Chapter 71 definition of supervisor for purposes of reimbursement. These positions are generally designated as Supervisory Code 4 in the Defense Civilian Personnel Data System. Further guidance on positions that meet the definitions of "supervisory" or "managerial" in section 7103 of title 5, United States Code, may be found in case law interpreting that section, in particular, in related decisions by the Federal Labor Relations Authority. If it is determined that a position does not qualify as a supervisory or managerial position, the employee will be provided written notification of denial, specifying the reasons for denial.

The signature of the Component Headquarters, the HRO/CPO, or the HRO/CPO designee approving official on block 9 of the SF-1164 confirms the eligibility determination only. DoD Components must ensure they fulfill any bargaining obligations resulting from this policy.

Paying office responsibility. The reimbursement for professional liability insurance will be processed as a miscellaneous payment through vendor pay. The paying office shall verify the completion of the SF-1164, the cost of the premium and the receipt of documentation providing proof of payment. When the package is received by the paying office and it is not clear from the invoice that the claim qualifies for PLI coverage, or that the requested amount of the payment is proper, the paying office shall request that the employee provide evidence that the purpose of the claim is reimbursement for a PLI policy and/or that the payment amount is proper. Payment will be made by EFT. The paying office shall pay up to \$150, but payment may not exceed one-half the cost of the premium listed on the carrier's invoice or the actual documented cost paid by the employee, whichever is less. The amount of reimbursement will be determined based on cost of the premium as listed on the carrier's invoice and the actual, documented cost paid by the employee and the DoD policy governing payment amount. The paying office shall confirm that an employee has not been or, as a result of the requested reimbursement, will not be reimbursed for more than \$150, or one-half of the cost incurred for liability insurance within the applicable fiscal or calendar year period.

The paying office for an organization is the same office that receives travel vouchers for payment. (A listing of vendor pay points of contact can be found on the DFAS website at <http://www.dfas.mil/custsrvc/>).

Questions and answers:

Q. What does "not to exceed one half the cost incurred" mean?

A. The Office of the DoD General Counsel advises that section 636, as amended, requires DoD to reimburse qualified employees for professional liability insurance costs. However, the wording in the statute permits DoD some discretion on the specific amount, provided the total yearly payment does not exceed one-half the cost of the premium actually paid by the employee.

Q. What does "up to \$150" mean?

A. Given the current cost of professional liability insurance policies (\$300 for \$1,000,000 liability coverage) and the provisions of the law, e.g., that reimbursement not exceed one-half the cost of the premium, DoD has determined that \$150 represents a reasonable maximum. It is possible to be reimbursed less than \$150 for premiums costing less than \$300. Therefore, based on the cost of the premium as identified on the carrier's invoice, payment could be an amount up to \$150 per year.

Q. What is the agency's obligation if the professional liability insurance premium increases after payment has been made?

A. None, if the \$150 limit for that year has been paid.

Q. Can more than one reimbursement be made in a fiscal/calendar year?

A. Yes. The law does not limit the number of reimbursements to one per year. Multiple reimbursements on multiple premiums are permitted, provided the total amount in any year does not exceed the dollar cap of \$150 set by DoD.

Q. Is DoD's implementation retroactive to October 1, 1999?

A. Yes. The requirement to reimburse qualified employees went into effect on October 1, 1999.

Q. Is an employee who renewed an existing professional liability insurance policy on September 30, 1999, eligible for reimbursement as of October 1, 1999?

A. Yes, the change in the law requiring reimbursement became effective on October 1, 1999. DoD will reimburse covered employees up to \$150 of the cost of premiums in effect on or after October 1, 1999 (but DoD Components are not required to reimburse the portion of the cost of premiums covering the period before October 1, 1999.)

Q. What if an employee purchased a policy in January 1999, was reimbursed in June 2000, renewed the policy in July 2000, and resigned in August 2000 -- is the employee eligible for reimbursement for the policy renewed in July 2000?

A. Yes, DoD will pay up to \$150 per [calendar/fiscal] year to reimburse a qualified employee for the cost of the insurance premium for a qualified policy. The employee must be qualified at the time he or she seeks reimbursement. The policy must qualify and the employee must not already have been reimbursed the maximum of \$150 in that [calendar/fiscal] year.

Q. Is the reimbursement for professional liability insurance prorated if the employee leaves a covered position, e.g., reassigns, retires or leaves to work in another agency?

A. No. When a professional liability insurance policy is cancelled, either by the employee or the insurance company, within fiscal/calendar year period of coverage, or if an individual ceases to be a qualified employee within the coverage period, no recoupment action shall be undertaken.

Q. Is a military supervisor or manager a "qualified employee" for professional liability insurance reimbursement?

A. No. Section 636 of the 1997 Act, as amended, which applies to covered "employees," does not apply to military members who are not "employees."

Q. Are NAF supervisors and managers covered by the provisions of this new authority?

A. No. Section 636 of the 1997 Act applies to qualified "employees." Section 2105 of title 5, United States Code, which defines the term "employee" for civilian personnel law purposes, would exclude NAF employees in this case. Section 2105 includes NAF as "employees" ...[except] for the purpose of

"[(c)](1) laws administered by the Office of Personnel Management, except -
(A) section 7204;
(B) as otherwise specifically provided in this title;
(C) the Fair Labor Standards Act of 1938;
(D) for the purpose of entering into an interchange agreement to provide for the noncompetitive movement of employees between such instrumentalities and the competitive service; or
(E) subchapter V of chapter 63, which shall be applied so as to construe references to benefit programs to refer to applicable programs for employees paid from non-appropriated funds; or
(2) subchapter I of chapter 81, chapter 84 (except to the extent specifically provided therein), and section 7902 of this title."

Although OPM has not issued implementing regulations or other guidance regarding implementation

of section 636 of the 1997 Act, as amended, it is a "law administered by the Office of Personnel Management" that does not fit within any of the enumerated exceptions. NAF employees do not meet the definition of "employee" and are not, therefore, "qualified employees" for purposes of section 636. While there is no legal requirement to do so, DoD Components may extend this benefit to their NAF workforces, consistent with DoD policy covering appropriated fund employees but may not provide for a rate more generous than that extended to the appropriated fund workforce. If DoD Components extend this benefit to their qualified NAF employees, NAF dollars must be used to fund the reimbursement.

Q. Who has responsibility for determining if the policy submitted by the employee meets professional liability coverage?

A. If it is not evident to the paying office from the carrier's invoice or the policy itself that it is a qualified professional liability insurance policy, it should be returned to the employee to provide evidence that the purpose of the policy presented for reimbursement is to provide professional liability insurance.

Q. Are team leaders eligible for professional liability insurance coverage?

A. Team leaders do not meet the criteria of 5 USC Chapter 51 to be classified as "Supervisory" positions. However, some team leader positions will meet the definition of "supervisory" positions in 5 USC §7103(a), and will be coded with Supervisory Level Code 4 in the Civilian Personnel Data System. Team leaders in positions that meet the 5 USC §7103(a) definition would be eligible for reimbursement.

Q. What services does the Department of Justice provide to Federal employees with respect to legal representation in connection with any administrative or judicial proceeding relating to any act, error, or omission of the covered individual while in the performance of official duties as a qualified employee?

A. This question requires a response to statutory representation and will be addressed in a forthcoming CPMS/Benefits and Entitlements Branch Reference Guide.

Q. Is an employee required to provide EFT information for PLI reimbursement payment?

A. Yes, EFT payment is required by the Debt Collection Improvement Act of 1996. The EFT information can be the same as that provided for pay or travel reimbursements or it may be to a different account. Employees must provide the EFT information along with the request for reimbursement.

Professional Liability Insurance (PLI)

Professional Liability Insurance covers legal liability for certain damages that might result from "acts, error or omission of the covered individual while in the performance of the covered individual's official duties". PLI may also cover the cost of legal representation for the covered individual in connection with these acts, errors or omissions.

The Department of Defense (DoD) will reimburse supervisors, management officials or law enforcement officers who are eligible for PLI up to one-half the cost of a covered PLI premium, not to exceed \$150 per year. PLI reimbursement is not a taxable income. Eligibility determination authority has been delegated to the appropriate management officials within each Command. To file a claim, submit Standard Form 1164, Claim for Reimbursement for Expenditures on Official Business.

Questions concerning the Element of Resource (EOR) should be referred through financial management channels.

Supervisors and Management Officials are defined in 5 USC §7103 (a) (10) and (11), Law Enforcement Officers are defined in 5 USC §8331 (20 and §8401(17).

For guidance defining eligibility, employee responsibility for reimbursement and the paying office responsibilities see http://www.cpms.osd.mil/fas/benefits/pdf/pli_all.pdf. (requires Acrobat Reader) or http://cpol.army.mil/library/dod/dod_pli_guide.html (for a non-PDF equivalent)

The Army delegation memorandum may be found at http://cpol.army.mil/library/benefits/del_auth_pli.html.

Statutory and United States Code Provisions

Sec. 636 of the Treasury, Postal Service, and General Appropriations Act for Fiscal Year 1997. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE - (a)

AUTHORITY - Notwithstanding any other provision of law, amounts appropriated by this Act (or any other Act for fiscal year 1997 or any fiscal year thereafter) for salaries and expenses **shall** be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

Sec. 636(b) of the 1997 Act defines "qualified employee" as an agency employee whose position is that of law enforcement officer or a supervisor or management official.

Sec. 636(c) of the 1997 Act defines a "law enforcement officer as "an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of ... title 5, United States Code, or under section 4823 of title 22, United States Code."

5 USC 8331(20): "law enforcement officer" means an "employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this paragraph, "detention" includes the duties of -

- A. employees of the Bureau of Prisons and Federal Prison Industries, Incorporated;
- B. employees of the Public Health Service assigned to the field service of the Bureau of Prisons or of the Federal Prison Industries, Incorporated;
- C. employees in the field service at Army or Navy disciplinary barracks or at confinement and rehabilitation facilities operated by any of the armed forces; and
- D. employees of the Department of Corrections of the District of Columbia, its industries and utilities;

whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of the United States or of the District of Columbia or offenses against the punitive articles of the Uniformed Code of Military Justice (chapter 47 of title 10) require frequent (as determined by the appropriate administrative authority with the concurrence of the Office) direct contact with these individuals in their detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation."

5 USC Sec. 8401(17): the term "law enforcement officer" means -

- A. "an employee, the duties of whose position -
 - (i) are primarily -
 - (I) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or
 - (II) the protection of officials of the United States against threats to personal safety; and
 - (ii) are sufficiently rigorous that employment opportunities should be limited to young and physically vigorous individuals, as determined by the Director considering the recommendations of the employing agency;
- B. an employee of the Department of the Interior or the Department of the Treasury (excluding any employee under subparagraph (A)) who occupies a position that, but for the enactment of the Federal Employees' Retirement System Act of 1986, would be subject to the District of Columbia Police and Firefighters' Retirement System, as determined by the Secretary of the Interior or the Secretary of the Treasury, as appropriate;

- C. an employee who is transferred directly to a supervisory or administrative position after performing duties described in subparagraph (A) and (B) for at least 3 years; and
- D. an employee -
 - (i) of the Bureau of Prisons or Federal Prison Industries, Incorporated;
 - (ii) of the Public Health Service assigned to the field service of the Bureau of Prisons or of the Federal Prison Industries, Incorporated; or
 - (iii) in the field service at Army or Navy disciplinary barracks or at any other confinement and rehabilitation facility operated by any of the armed forces; whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of the United States or of the District of Columbia or offenses against the punitive articles of the Uniform Code of Military Justice (chapter 47 of title 10) require frequent direct contact with these individuals in their detention and are sufficiently rigorous that employment opportunities should be limited to young and physically vigorous individuals, as determined by the head of the employing agency."

Section 636(c) of the 1997 Act defines a "supervisor" or "management official" using the same meanings given them by section 7103(a) of title 5, United States Code:

Sec. 7103(a) (10): "supervisor" means "an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority."

Sec. 7103 (a)(11): "management official" means an "individual employed by an agency in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency."

Professional Liability Insurance (PLI) Reimbursement Process

1. Employee completes SF-1164 and submits with insurance carrier name, policy number, invoice and proof of premium payment to the delegated authority.
2. Delegated authority reviews to ensure employee is eligible for reimbursement and appropriate documentation is submitted.
3. Delegated authority ensures eligibility and approves by signing and dating block 9 of the SF-1164.
4. The complete package should be mailed or faxed to DFAS for reimbursement payment by electronic fund transfer:

DFAS-Indianapolis Civilian Pay
8899 East 56th Street
Indianapolis, IN 46249-1900
OR
DFAS FAX 866-401-5849

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